

STATEMENT OF PROCEEDINGS
FOR THE SPECIAL MEETING
OF THE LOS ANGELES COUNTY CLAIMS BOARD
HELD IN ROOM 648 OF THE KENNETH HAHN HALL OF ADMINISTRATION,
500 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

ON

FRIDAY, AUGUST 29, 2008, AT 8:00 AM

Present: Maria M. Oms, Rocky Armfield and John Krattli

The following items were presented to the Claims Board for consideration and the Claims Board took actions as indicated in bold.

1. Call to Order.
2. Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.

No members of the public addressed the Claims Board.

3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code Section 54956.9).
 - a. Eric Rochin, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. SC 091 327

This lawsuit seeks compensation for property damage arising from slope failure in the City of Malibu.

Action Taken:

This Claims Board approved settlement of this matter in the amount of \$75,000.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

- b. Grace Kim v. County of Los Angeles
Los Angeles Superior Court Case No. EC 044 198

This lawsuit arises from injuries received from a trip and fall accident within a road right-of-way in the La Crescenta unincorporated area.

Action Taken:

This Claims Board approved settlement of this matter in the amount of \$72,500.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

- c. Barbara Altman v. County of Los Angeles
Los Angeles Superior Court Case No. SC 091 917

This lawsuit arises from injuries sustained by a pedestrian who was struck by debris protruding from a pick-up truck driven by an employee of the Department of Beaches and Harbors.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$357,500 and that the Auditor-Controller be instructed to draw a warrant to implement this settlement from the Department of Beaches and Harbors' budget.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

- d. Michael Webb v. County of Los Angeles
Los Angeles Superior Court Case No. BC 363 229

This lawsuit concerns allegations that an employee of the Probation Department was subjected to racial discrimination and retaliation.

Action Taken:

This Claims Board approved settlement of this matter in the amount of \$30,000.

Absent: None

Vote: Unanimously carried

4. Report of actions taken in Closed Session.

The Claims Board reconvened in open session and reported the actions taken in closed session as indicated under Agenda Item No. 3 above.

5. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	<u>Rochin v. County of Los Angeles</u>
CASE NUMBER	SC 091327
COURT	Los Angeles County Superior Court, Malibu Courthouse
DATE FILED	October 5, 2006
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$75,000
ATTORNEY FOR PLAINTIFF	Heywood Friedman Law Offices of Heywood Friedman (818) 707-1488
COUNTY COUNSEL ATTORNEY	Warren R. Wellen Principal Deputy County Counsel 213-974-9668 Michael Moore Deputy County Counsel 213-974-8948
NATURE OF CASE	Eric Rochin and Deborah Collodel claim that water spraying from a broken water meter owned by Los Angeles County Waterworks District No. 29 caused a January 10, 2005, landslide at their Malibu property. They claim that the County and District had notice of the

water spraying and delayed in shutting down the break.

The District and County contend that the landslide resulted from record-breaking rainfall.

Due to the risks and uncertainties of litigation, the Office of the County Counsel, with the concurrence of the Department of Public Works, recommends that the District pay \$75,000 towards the settlement in exchange for Mr. Rochin and Ms. Collodel dismissing their actions with prejudice.

PAID ATTORNEY FEES, TO DATE	\$414,631 in-house
PAID COSTS, TO DATE	\$107,857



Summary Corrective Action Plan
County of Los Angeles Department of Public Works

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Claim:	ROCHIN
Date of incident/event:	January 10, 2005
Briefly provide a description of the incident/event:	<p>On January 10, 2005, the privately-owned slope on the southern portion of Eric Rochin and Deborah Colledel's property at 25205 Malibu Road in the City of Malibu failed due to saturation from intense rainfall. The movement of the slope caused the claimants' privately-owned water service pipeline to shift, damaging a gasket between the pipeline and the water meter and allowing water to leak from the connection.</p> <p>The Los Angeles County Waterworks District No. 29, Malibu (District), provides water service to the subject property. The District owns and maintains a 2-inch-diameter water meter serving the property. The water meter is enclosed in a concrete meter box with a hinged steel access lid for reading the meter.</p> <p>Upon notification of the leak, the District immediately dispatched two water service workers to investigate the problem. The water service workers identified the source of the leak, confirmed that the customer valve was turned off, and returned to the field office to obtain an angle stop valve key and replacement gasket to complete the repair. The repair was completed within two hours of notification of the leak.</p>

1. Briefly describe the root cause of the claim/lawsuit:

The claimants allege that the District negligently delayed stopping the water leak and water from the leak sprayed onto the slope causing the slope failure.

The District disputes this theory and any allegations that the District failed to prevent the leak and/or remedy the leak in a timely fashion.

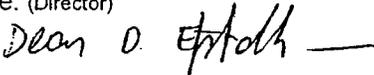
County of Los Angeles Department of Public Works
Summary Corrective Action Plan

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

To avoid the possibility of similar claims in the future, the District will explore alternatives to identify and correct water service connection leaks more quickly through the use of applicable technology such as Automated Meter Reading or Supervisory Control and Data Acquisition System capabilities. Also, meter reader vehicles will be equipped with angle stop valve keys to allow meter readers to immediately turn off water service in the event of a leak. Additionally, the District will install flexible copper tubing for water meters located within areas of active land movement.

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- Potentially has County-wide implications.
- Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator) Pat Proano 	Date: 8/13/08
Signature: (Director) Dean D. Efstathiou 	Date: 8/13/08

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	<u>Grace Kim v. County of Los Angeles</u>
CASE NUMBER	EC044198
COURT	Los Angeles Superior Court North Central District
DATE FILED	January 19, 2007
COUNTY DEPARTMENT	Public Works- Branch 5-Road Maintenance
PROPOSED SETTLEMENT AMOUNT	\$72,500
ATTORNEY FOR PLAINTIFF	Christopher R. Baker The Law Office of Christopher Baker (310) 276-5300
COUNTY COUNSEL ATTORNEY	Ann M. Aguilar Deputy County Counsel (213) 974-1839
NATURE OF CASE	<p>71-year-old Grace Kim, filed this lawsuit after she tripped and fell over a concrete water diverter while walking her dog after sunset in La Crescenta. Ms. Kim alleges that the diverter constituted a dangerous condition of public property, and that the County either created or had notice of the alleged dangerous condition before the incident but failed to take corrective action.</p> <p>Immediately after she fell, Ms. Kim was transported by ambulance to the Verdugo Hills Hospital with a head injury and a fractured hip. She underwent hip replacement surgery and, while hospitalized and recovering from hip surgery, she</p>

suffered a heart attack. After her condition stabilized, she spent two weeks at a skilled nursing facility for inpatient care and rehabilitation to prepare her for discharge. Once discharged, Ms. Kim had recurring pain in her left hip as she continued with physical therapy. As a result, she alleges she was unable to cook and care for her dying husband from the time she was injured until the death of her husband approximately ten months later.

Today, Ms. Kim continues to have sporadic bouts of pain in her hip, necessitating continued physical therapy and possibly another hip surgery in the next 10-15 years.

Due to the risks and uncertainties of litigation, the County Counsel proposes a full and final settlement of this case in the amount of \$72,500.

PAID ATTORNEY FEES, TO DATE

\$64,567.48

PAID COSTS, TO DATE

\$14,983.02



Summary Corrective Action Plan

County of Los Angeles Department of Public Works



The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Lawsuit:	Kim, Grace
Date of incident/event:	November 18, 2005
Briefly provide a description of the incident/event:	This is a trip and fall that occurred on Pine Glen Road in the unincorporated County area of La Crescenta. Grace Kim, who was 71-years old at the time of incident, was walking her dog when she tripped and fell over a concrete parkway protector (also known as a flow diverter) that was positioned between a private driveway apron at 5418 Pine Glen Road and a Southern California light pole.

1. Briefly describe the root cause of the claim/lawsuit:

Failure by 71 year old Mrs. Kim to take due care when walking her dog. Ms. Kim stated she was not looking at the sidewalk when she tripped and a few weeks prior to the incident she almost tripped and fell over another diverter along the street.

Public Works does not specifically inventory nor inspect parkway protectors. They were originally installed as part of the development to protect the landscaped parkway and divert flow coming up the driveway back onto the roadway. At this location a prior homeowner removed the landscaped parkway and filled the parkway area with concrete creating the appearance of a wide sidewalk. The parkway protectors are concrete and of a similar color to the concrete sidewalk.

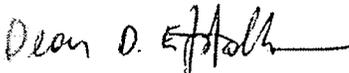
County of Los Angeles Department of Public Works
Summary Corrective Action Plan

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

On October 20, 2006, Public Works painted thirty-five parkway protectors white on both the east and west sides of Pine Glen Road. This was carried out as a result of the claim and following an investigation initiated through a request by the La Crescenta Town Council, that Public Works paint the parkway protectors to make them more visible to pedestrians.

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- Potentially has County-wide implications.
- Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator)	Date:
Pat Proano 	6/19/08
Signature: (Acting Director)	Date:
Dean D. Efstathiou 	6/19/08

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	<u>Barbara Altman v. County of Los Angeles</u>
CASE NUMBER	SC 091917
COURT	Los Angeles Superior Court
DATE FILED	11/29/2006
COUNTY DEPARTMENT	Department of Beaches & Harbors
PROPOSED SETTLEMENT AMOUNT	\$375,500
ATTORNEY FOR PLAINTIFF	Girardi Keese John A. Girardi, Esq. (213) 977-0211
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel (213) 974-1956
NATURE OF CASE	<p>On November 29, 2005, a County employee drove a Department of Beaches and Harbors pick-up truck on Pacific Avenue, hauling palm fronds in the truck bed to a disposal yard. At the same time, the Plaintiff was walking along the right side of Pacific Avenue. As the pick-up truck passed by the Plaintiff, a palm frond that was protruding excessively from the side of the truck bed struck the Plaintiff's head from behind her and she fell. As a result of the impact, the Plaintiff received soft tissue injuries to her neck which required cervical surgery to fuse two of her vertebrae. The Plaintiff also received injury to her lower back and claims loss of earnings from not being able to work.</p>

The Plaintiff filed suit for her injuries against the County, alleging that the

employee either improperly loaded the palm frond or failed to secure it so that it would not shift during transit. She also contends that the employee drove too close to the right side of the road. The County contends that the Plaintiff was walking too far into the roadway and that her residual injuries are exaggerated. Considering the inherent risks and uncertainties involved in a trial, and the potential liability and potential exposure to an adverse verdict, the County proceeded with settlement negotiations and was eventually able to develop this recommended settlement with the Plaintiff.

PAID ATTORNEY FEES, TO DATE	\$32,163
PAID COSTS, TO DATE	\$10,885

Summary Corrective Action Plan



The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	November 29, 2005
Briefly provide a description of the incident/event:	At approximately 12:45 p.m., a Beaches and Harbors (DBH) employee within its Facilities and Property Maintenance Division (FPMD) was driving a county-owned pickup truck southbound along Pacific Avenue, in the Venice area of the City of Los Angeles. The truck was carrying, in its bed, various debris including palm fronds removed from Venice Beach. At the time of the incident, the claimant was walking southbound along the west side of the street on a portion of Pacific Avenue. As the pickup truck passed by the claimant, a palm frond was protruding from the right (passenger) side of the cargo bed and claimant contends it struck her behind her head.

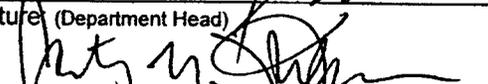
1. Briefly describe the root cause of the claim/lawsuit:

(1) The DBH truck hauling the debris was not outfitted with tie-down hooks, which could have been used to more completely secure the debris load and prevent the palm frond from shifting and protruding outside the truck bed, and (2) DBH staff training may not have been sufficient to ensure that personnel followed the proper procedures in loading and securing debris loads.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

<p>Corrective Action Step #001: For those DBH pickup trucks not already so equipped, install tie-down hooks in the truck beds in order to sufficiently secure materials loaded into them and ensure that these hooks are maintained in working condition by monitoring their condition through a daily DBH vehicle condition checklist. Due Date: 10/3/08 Responsible Party: Division Chief, FPMD</p> <p>-----</p> <p>Corrective Action Step #002: Conduct annual training sessions for all DBH employees directly involved in transporting materials to review proper procedures for loading and securing materials transported in DBH vehicles. This training will address materials removed from the beach and Marina del Rey (e.g., plants, trees or driftwood) or otherwise transported by staff throughout the year. New employees who are hired after an annual training session will receive the training from FPMD staff as part of their initial driver training. Due Date: 3/6/09 Responsible Party: Human Resources Manager</p> <p>-----</p> <p>Corrective Action Step #003: Instruct all DBH staff to immediately notify the Department Safety Officer of any incident, no matter the time of the incident. To the extent an incident occurs during his/her regular working hours, the Safety Officer will immediately go to the site of the incident to commence an incident investigation. During his/her days off, the Safety Officer will have up to 72 hours to commence the incident investigation, depending upon his/her judgment of the incident's severity. For incidents involving FPMD staff, the initial incident report will be jointly prepared with and signed by a Beach Maintenance District Manager. Due Date: 8/29/08 Responsible Party: Human Resources Manager</p>
--

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)
- Potentially has County-wide implications.
- Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator) 	Date: 8/12/08
Signature: (Department Head) 	Date: 8/12/2008

Corrective Action Plan



1. General Information

Date CAP document prepared:	August 11, 2008
Department:	Beaches and Harbors
Name of departmental contact person:	Walter Popoff
• title:	Executive Assistant
• phone number:	310-305-9579
• e-mail:	wpopoff@bh.lacounty.gov

2. Incident/Event Specific Information

Date of incident/event:	November 29, 2005
Location of incident/event:	Venice, California
Event contact person:	Walter Popoff
• phone:	310-305-9579
• e-mail:	wpopoff@bh.lacounty.gov
Claim adjuster: <small>(Third Party Administrator or County Counsel)</small>	Paul Zeglovitch (Carl Warren)
• phone number:	818-247-2206
If claim is in litigation, please complete the following:	
County Counsel Attorney:	Brian Chu
• phone number:	213-974-1956

3. Incident/Event Description:

Nature of incident/event:	Claimant says that she was struck on the back of her head by a palm frond protruding out of the bed of a county-owned pickup truck driven by an on-duty Department of Beaches and Harbors (DBH) staff person.
Provide a brief description of the incident/event:	At approximately 12:45 p.m., a DBH employee was driving a county-owned pickup truck southbound along Pacific Avenue, in the Venice area of the City of Los Angeles. The truck was carrying, in its bed, various debris including palm fronds removed from Venice Beach. At the time of the incident, the claimant was walking southbound along the west side of the street on a portion of Pacific Avenue. As the pickup truck passed by the claimant, a palm frond was protruding from the right side of the cargo bed and claimant contends it struck her behind her head.

4. Corrective Action Plan Problem Statement

Provide a written narrative of the incident/event problem statement:

DBH staff were transporting debris removed from an area of Venice Beach and were proceeding southbound along Pacific Avenue. The debris load, which contained palm fronds, shifted, causing one frond to protrude from the truck bed. This palm frond struck the claimant who was walking in the street. Claimant contends that the county driver improperly loaded the palm fronds. The Department contends that the palm frond shifted in transit. It is a violation of the California *Vehicle Code* to allow items to protrude more than 6 inches from the right (passenger) side of a vehicle.

5. Root Cause Analysis

Root Cause Analysis tool used:	5 Why Analysis.
Incident/event root causes:	<ol style="list-style-type: none"> 1. The palm frond that struck claimant was not sufficiently secured to keep it from shifting in transit while the pickup truck was traveling along Pacific Avenue. 2. DBH staff training may not have been sufficient to ensure that DBH staff followed the proper procedures in loading and securing debris loads.

6. Corrective Action Plan Steps

Task number:	001
Task name:	Installation of Tie-Down Hooks on DBH Pickup Trucks
System issue:	Equipment
Schedule start date:	August 4, 2008
Schedule completion date:	October 3, 2008
Responsible person:	Division Chief, Facilities and Property Maintenance Division (FPMD)
Task description:	For those DBH pickup trucks not already so equipped, install tie-down hooks in the truck beds in order to sufficiently secure materials loaded into them and ensure that all hooks are maintained in working condition by monitoring their condition through a daily DBH vehicle condition checklist.

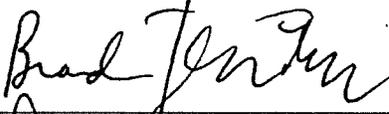
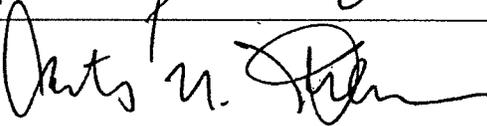
Task number:	002
Task name:	Safety Instruction for Loading and Securing Materials
System issue:	Process/procedure
Schedule start date:	October 6, 2008
Schedule completion date:	March 6, 2009 and then every year thereafter in October (starting in October 2009).
Responsible person:	Human Resources Manager
Task description:	The Safety Officer, along with supervisors in FPMD, will conduct training sessions for all DBH employees directly involved in transporting materials to review proper procedures for loading and securing materials transported in DBH vehicles. The initial training period is scheduled to begin as soon as the hooks are installed. It will cover how to load and secure materials removed from the beach and Marina del Rey (e.g., plants, trees or driftwood) or otherwise transported by staff throughout the year. Ongoing training coordinated and administered by the Safety Officer will occur once a year in October. New employees who are hired after this annual training session will receive the training from FPMD supervisory staff as a part of their initial driver training.

Task number:	003
Task name:	Expanded Incident Investigation Procedures
System issue:	Process/procedure
Schedule start date:	August 15, 2008
Schedule completion date:	August 29, 2008

Responsible person:	Human Resources Manager
Task description:	Instruct all DBH staff to immediately notify the Department Safety Officer of any incident, no matter the time of the incident. To the extent an incident occurs during his/her regular working hours, the Safety Officer will immediately go to the site of the incident to commence an incident investigation. During his/her days off, the Safety Officer will have up to 72 hours to commence the incident investigation, depending upon his/her judgment of the incident's severity. For incidents involving FPMD staff, the initial incident report will be jointly prepared with and signed by a Beach Maintenance District Manager.

7. Review and Authorization

The department has reviewed the incident/event investigation, Root Cause Analysis documentation and Corrective Action Plan and has taken all appropriate corrective actions required.

Review and authorization steps:	Signature:	Date:
Document reviewed by department Risk Management Coordinator:		8/12/08
Document reviewed by department head or designee.		8/12/2008